

\*\*E-Filed 8/28/2008 \*\*

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

COUNTY OF SANTA CRUZ, et al.,

Plaintiffs,

v.

ALBERTO GONZALES, Attorney General of the  
United States, et al.,

Defendants.

Case Number C 03-01802 JF

ORDER<sup>1</sup> DENYING MOTION TO  
FILE AMICUS CURIAE BRIEF

Carl Olson ("Olson") moves for leave to file an *amicus curiae* brief in this action. Olson seeks to assert a claim pursuant to 21 U.S.C. § 903 challenging the classification of marijuana as a Schedule 1 controlled substance. He explains that he currently is asserting this claim in the Eighth Circuit and that he has a petition pending with the United States Drug Enforcement Administration.

District courts have broad discretion to appoint *amici curiae*. *Hoptowit v. Ray*, 682 F.2d 1237 (9th Cir. 1982). Although the issue identified in Olson's brief relates generally to the subject matter of the instant case, it raises factual and legal issues entirely distinct from those that have been litigated by the parties in this five-year-old litigation. Accordingly, the request to file an *amicus curiae* brief is DENIED.

DATED: August 28, 2008



JEREMY FOGEL  
United States District Judge

<sup>1</sup> This disposition is not designated for publication in the official reports.

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